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Keywords

Michelle Alexander, mass incarceration, Jim Crow, caste system, Obama

BOOK INTERVIEW: THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLORBLINDNESS

By: Richael Faithful¹

As a summer law clerk at Advancement Project I read an excited e-mail chain about a newly-published book, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, by Michelle Alexander, a professor at Ohio State Moritz College of Law. In my experience, racial justice advocates are always excited about race-related progressive-minded works that receive a scintilla of national attention, because the sad truth is that much of America's public racial dialogue is simplistic, sterilized, and sound-bited. My co-workers were most thrilled by the book's provocative name—"The New Jim Crow"—a name that accurately colors the present crisis in the American criminal system.

Beyond the book's name is an equally firm punch from cover to cover. *The New Jim Crow* has received rave reviews by the public interest community in particular and social justice advocates in general. By mid-summer I knew that I needed to interview Michelle Alexander for *The Modern American* to learn more about her as an author and advocate and her personal reasons for writing such an inevitably controversial book. Her message is plain and poignant: mass incarceration is the new racial caste system of the twenty-first century, built on colorblindness's dual weapons of systemic racism and willful ambivalence, and racial caste must be finally confronted and dismantled in the United States once and for all. Her ambitious vision is well-outlined in *The New Jim Crow*, a self-described "call to action," which meticulously details the history and law of mass incarceration, namely through the "War on Drugs," and the devastation wrought by the so-called war on racial politics and communities of color, from black-brown criminalization to the creation of a new underclass. Our hour-long conversation explored: why this book and why now?

Michelle Alexander makes clear that her book is written for racial justice advocates who need to care more about mass incarceration. In other words, she wrote this book for people who are now in the position that she was in about a decade ago. She acknowledged that she had always been acutely aware of racial injustice, as a child of an inter-racial marriage between a white mother and black father. When younger, Alexander noticed that her parents' marriage had drastic consequences—both families disapproved, but her mother was ex-communicated from her church and disowned by her family. "My mother was treated radically different," Alexander observed, elaborating that her parents faced rental discrimination, and other mistreatment, which her mother had not experienced before. Their hardships occurred in the backdrop of a landmark Supreme Court case, *Loving v. Virginia*, which ruled bans

against inter-racial marriage as unconstitutional. Alexander was born within months of *Loving*, and she developed a sensitivity to issues of race in America from an early age.

But, like most racially-conscience people, her political analysis was deepened by more *personal* experiences. During college, Alexander volunteered at a newly de-segregated high school attended by poor Black children. The severity of the segregation was so stark and so dire that in her mind it was the first time she witnessed "how race operated to lock poor people of color into inferior status." Her experience at the schools, along with another volunteer experience during college at a women's prison, impressed the meaning of systemic racism onto her political awareness. It was during this time that she learned that race served to mark certain people as second-class citizens in the present, even if less overtly.

This is the level at which most racial justice advocates operate today. Many advocates defensively resist systemic racism through policy reform at national or state levels. In contrast, *The New Jim Crow*, emphasizes that systemic racism is the tip of the stratification iceberg, and our criminal system is the Titanic about to come to head.

Alexander explained that the inspiration for the book came during her time as the former American Civil Liberties Union-Northern California (ACLU-NC) Racial Justice Project Director. At the time, the ACLU-NC's main project was the Driving While Black Campaign, an effort against law enforcement racial profiling. One of the strategies adopted by the organization was litigation, which led Alexander in search of potential plaintiffs. Screening interviews proved to be a rigorous task, consisting of speaking to "one young African-American man after the other," hearing one shocking story after the other.

One young man in particular help guide her to "enlightenment." He was yet another young African-American man who entered the interview room. Unlike the others, though, he carried a stack of papers, the weight of which reverberated with a "plunk" when dropped onto a table in front of Alexander. He was a clean-shaven young man who easily articulated his numerous racial profiling experiences. He had even painstakingly documented every stop and search he had experienced in the last nine months. By all accounts he was a perfect plaintiff—certainly a rare find.

Alexander was eager and ready to take his case and assumed, because of a pre-interview screening, that he had no criminal history. But during the course of the interview, he let it slip that he had been convicted of a drug felony. He tried to explain that he was set up in a drug bust during which his friend was beaten by a specific

police officer. Before he continued, Alexander simply told him that she was sorry that she could not represent him, but that she had no other choice. He was obviously disappointed. Alexander tried to explain, “they [state lawyers] would tear you apart because of your record.” Another otherwise ideal plaintiff was struck off the list, leaving Alexander sorry that he was no longer a candidate.

It was clear, however, that he was even sorrier. He jolted up from his seat and yelled that because of his conviction he couldn’t get a job, public housing, food stamps, or other benefits that he desperately needed to re-start his life. He was trapped living with his grandmother, unable to find work, or a way to get unstuck. He poised his words and said, “You’re no better than the police...doing the same thing that they did to me.” He told her that she had written him off, like all of the others had done, for no other reason than that he was labeled a felon.

Several months later, the Oakland police scandal broke on the front page of a local paper, naming the same officer that the young man identified in his interview. Alexander immediately realized that the young man was telling the truth in more ways than one. She had made a terrible mistake—he was right. She reflected that, even as a civil rights lawyer, “I replicated the very same kind of discrimination and marginalization that I was fighting against.” The reality set in that although she intellectually knew that labels were empty brands, “management and control of dispossessed people trapped in second class status is eerily reminiscent of Jim Crow”—a bygone, but familiar era of her childhood—and she had perpetuated the same stereotyping that kept that young man locked into the convicted persons’ underclass.

He “shook me from a colorblind slumber,” Alexander said. “[I]t was like an optical illusion, but now, being able to see the picture clearly, the outline was traced where it was hidden before.”

Alexander’s revelation after her interview experience is the driving force of the book. She stresses that because the caste system, melded together by mass incarceration, has become literally set—normalized by false crime rationalizations—its future depends on one factor alone: complicity. Historians are quick to point out that Jim Crow was also an accepted way-of-life until, over several decades, the popular movement had swelled to its climax. As she explains in the book, just like with the Jim

Crow myth that “races couldn’t mix together,” American society has bought into crime and punishment myths that justify the War on Drugs against poor Blacks. The truth is that drug crime was declining when the War on Drugs was declared,² crime rates have remained steady in recent years even as incarceration rates have sky-rocketed,³ and whites, more than any other racial group, are perpetrators of most drug crimes, despite the fact that Blacks and Latino/as are locked up at alarmingly high disproportions.⁴



**Above: Michelle Alexander;
Credit: Michelle Alexander**

The New Jim Crow goes a long way to explain these contradictions within the colorblind and mass incarceration phenomena. The book’s first chapter, The Rebirth of Caste, explains that the “law and order” rhetoric strategically deployed in the 1960s to quell the Civil Rights Movement ripened into justification for the Black drug “crackdown” of the 1980s. The lucidity of these historical cycles, Alexander suggested in our interview, puts forth the question, “what will historians say about us?” After all, she explained, “people thought that they understood Jim Crow until it was challenged in the 1960s,” because fundamentally, it was racial indifference, not racial hostility, that kept the caste system intact.

The same ambivalence also feeds the colorblindness myth—the myth that racism no longer exists and that race is therefore irrelevant—as the United States willfully ignores the staggering truth that it locks up more of its racial minorities than does any other country in the world.⁵ Moreover, Alexander shared, colorblindness actually *depends* on racial exceptionalism to survive. In other words, without the Barack and Michelle Obamas, which are fewer in number but greater in visibility, mass incarceration would be exposed as so evidently a racial caste system that its indictment of the United States would be “unavoidable,” as was Jim Crow exploitation during the Cold War. Alexander argued to me that, unless the “opportunity to move people utterly indifferent to the harm and suffering that the system has inflicted” is seized, the magnitude of harm caused by mass incarceration will never be appreciated.

When I asked Alexander why she wrote this book, her reply, in essence, was because she could. As an accomplished civil rights lawyer-turned-law professor, she lends credibility to the words, stories, and realities of less privileged people lost in the mass incarceration underworld. Her ultimate challenge to racial justice advocates is that “reform is not enough—we need to work toward movement

building work...not just to end mass incarceration but to end racial caste in America.” In her mind, this enormous undertaking begins with a very simple belief: “care, compassion, and concern across racial lines” is necessary to build racial empathy, the skill to “hear the voices of people who are handcuffed” and to do something about it.

She further stressed that racial justice advocates must send more than a political message—they must send the message that real change means “all of us or none of us.” She emphasized that advocates urgently need to turn their focus to removing the stigma attached to people convicted of felonies in the Black church and other community pillars, so that the paralyzing fear in these communities can transform into grassroots action.

The promise or peril of American racial justice may hang by a thread of shared compassion, a message pushed by then-candidate Barack Obama in his well-known Philadelphia address. Alexander takes a sobered view of President Barack Obama’s racial agenda, but hopes to remind

communities of color that they cannot expect anything more from the President, who operates in a precarious, colorblind political landscape. If anything, she urges, “we need to be more willing to engage around aggressive advocacy and organizing” and to rouse America from its colorblind dream. She writes in the final chapter, “The Fire This Time,” that Martin Luther King Jr.’s dream had evolved in the Poor People’s Movement into a recognition that “the time had come for racial justice advocates to shift from a civil rights to human rights paradigm, and that the real work of movement building had just begun.”⁶

To learn more about this crisis see, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, Michelle Alexander, The New Press (2010). <http://www.newjimcrow.com/>

¹ Richael Faithful is a third-year law student at American University, Washington College of Law, and outgoing Editor-In-Chief of *The Modern American*.

Endnotes

² MICHELLE ALEXANDER, *THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLORBLINDNESS* 7 (2010).

³ *Id.* at 97.

⁴ *Id.*

⁵ *Id.* at 6.

⁶ *Id.* at 245.

For more commentary on mass incarceration, see Modern America: Law & Politics Blog posts, “A Modern Twist on the Prison Industrial Complex,” by Isis Goldberg and “Prison Labor, Human Experimentation, & The BP Oil Disaster” by Zannie Carlson.